

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Jason Andrew Palat
Debtor(s)

Bankruptcy Case No.: 17-20925-CMB
Issued Per July 6, 2017 Proceeding
Chapter: 13
Docket No.: 43 – 30, 39
Concil. Conf.: September 28, 2017 at 01:00 PM

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated June 12, 2017 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☒ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on Sep. 28, 2017 at 01:00 PM, in 3251 U.S. Steel Tower, 600 Grant Street, Pittsburgh, PA 15219.*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: Ally Bank at Claim No. 1 as a long term debt .
- ☒ H. Additional Terms: The secured claim of PNC Bank shall govern as to prepetition arrears, and the monthly post-petition payment shall be based on allowed changes of record.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.


B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.


Carlota M. Böhm, Judge
United States Bankruptcy Court

Dated: July 10, 2017

cc: All Parties in Interest to be served by Clerk in seven (7) days

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 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Jason Andrew Palat
 Debtor

Case No. 17-20925-CMB
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: jhel
 Form ID: 149

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 Total Noticed: 42

Date Rcvd: Jul 10, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jul 12, 2017.

db +Jason Andrew Palat, 812 Hackberry Drive, Monroeville, PA 15146-1120
 cr +Peoples Natural Gas Company LLC, c/o S. James Wallace, P.C., 845 N. Lincoln Ave.,
 Pittsburgh, PA 15233-1828
 14394924 +Allegheny Health Network, 320 East North Avenue, Pittsburgh, PA 15212-4756
 14394925 +Allegheny Radiology Associates, 320 East North Street, Pittsburgh, PA 15212-4756
 14379230 +Amex, Correspondence, Po Box 981540, El Paso, TX 79998-1540
 14379231 +BB&T, Attn: Bankruptcy Department, 6010 Golding Center Drive,
 Winston Salem, NC 27103-9815
 14379233 +Capital One, Attn: Bankruptcy, Po Box 30285, Salt Lake City, UT 84130-0285
 14379234 +Chase Card, Attn: Correspondence, Po Box 15298, Wilmington, DE 19850-5298
 14395719 +Chrysler Capital, PO Box 961275, Fort Worth, TX 76161-0275
 14379235 +Citibank / Sears, Citicorp Credit Services, Po Box 790040, Saint Louis, MO 63179-0040
 14379236 +Citibank North America, Centralized Bankruptcy, Po Box 790040, Saint Louis, MO 63179-0040
 14379237 +Comenity Bank / Gander Mountain, Po Box 182125, Columbus, OH 43218-2125
 14379239 +First National Bank Of Pa, 1 Fnb Boulevard, Hermitage, PA 16148-3363
 14379241 +Huntington National Bank, Bankruptcy Notifications, Po Box 340996,
 Columbus, OH 43234-0996
 14394926 +Jeannette EMS Inc, 225 South 6th Street, Jeannette, PA 15644-3432
 14379244 +Kubota Credit Corporation, 1025 Northbrook Parkway, Suwanee, GA 30024-2967
 14412946 +Kubota Credit Corporation, PO Box 9013, Addison, Texas 75001-9013
 14379245 M&T Credit Services, 1100 Worley Drive, Consumer Asset Management, 2nd Floor,
 Williamsville, NY 14221
 14394927 +Murrysville Medic One, 3237 Sardis Road, Murrysville, PA 15668-1230
 14379247 +PNC Bank, Attn: Bankruptcy, 2730 Liberty Avenue, Pittsburgh, PA 15222-4747
 14379248 +PNC Bank Credit Card, Po Box 5570, Mailstop BR- YB58-01-5, Cleveland, OH 44101-0570
 14652028 +PNC Bank, N.A., PO BOX 94982, Cleveland, OH 44101-4982
 14379595 +PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 14394928 +Persoma PC, 2540 Monroeville Boulevard, Monroeville, PA 15146-2329
 14379246 +Pnc Bank, Attn: Bankruptcy, 249 5th Avenue, Suite 30, Pittsburgh, PA 15222-2707
 14379249 +Santander Consumer USA, Po Box 961275, Fort Worth, TX 76161-0275
 14379254 +Target, C/O Financial & Retail Services, Mailstopn BT, PO Box 9475,
 Minneapolis, MN 55440-9475
 14394929 +UPMC Health Services, PO Box 371472, Pittsburgh, PA 15250-7472
 14394930 +UPMC Physician Services, PO Box 382046, Pittsburgh, PA 15250-0001

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

14389184 E-mail/Text: ally@ebn.phinsolutions.com Jul 11 2017 01:35:47 Ally Bank, PO Box 130424,
 Roseville MN 55113-0004
 14379229 +E-mail/Text: ally@ebn.phinsolutions.com Jul 11 2017 01:35:47 Ally Financial,
 Po Box 380901, Bloomington, MN 55438-0901
 14379232 +E-mail/Text: cms-bk@cms-collect.com Jul 11 2017 01:35:56 Capital Management Services LP,
 698 1/2 South Ogden Street, Buffalo, NY 14206-2317
 14379238 +E-mail/Text: mrdiscen@discover.com Jul 11 2017 01:35:48 Discover Financial, Po Box 3025,
 New Albany, OH 43054-3025
 14379240 E-mail/Text: fnb.bk@fnfg.com Jul 11 2017 01:36:32 First Niagara Bank,
 6950 South Transit Road, Lockport, NY 14094
 14379242 +E-mail/Text: Hcabankruptcy-courtntices@hcamerica.com Jul 11 2017 01:36:45 Hyundai Finance,
 Attn: Bankruptcy, Po Box 20809, Fountain City, CA 92728-0809
 14379243 +E-mail/Text: bnckohlsntices@becket-lee.com Jul 11 2017 01:35:53 Kohls / Capital One,
 Kohls Credit, Po Box 3043, Milwaukee, WI 53201-3043
 14638809 E-mail/Text: bnc-quantum@quantum3group.com Jul 11 2017 01:36:01
 Quantum3 Group LLC as agent for, MOMA Funding LLC, PO Box 788, Kirkland, WA 98083-0788
 14379250 +E-mail/PDF: gecsedirecoverycorp.com Jul 11 2017 01:32:36 Synchrony Bank / Care Credit,
 Attn: Bankruptcy, Po Box 956060, Orlando, FL 32896-0001
 14379251 +E-mail/PDF: gecsedirecoverycorp.com Jul 11 2017 01:32:22 Synchrony Bank / Guitar Center,
 Po Box 965064, Orlando, FL 32896-5064
 14379252 +E-mail/PDF: gecsedirecoverycorp.com Jul 11 2017 01:32:36 Synchrony Bank / JCPenneys,
 Attn: Bankruptcy, Po Box 956060, Orlando, FL 32896-0001
 14379253 +E-mail/PDF: gecsedirecoverycorp.com Jul 11 2017 01:32:36 Synchrony Bank / Lowes,
 Attn: Bankruptcy, Po Box 956060, Orlando, FL 32896-0001
 14632876 +E-mail/Text: bncmail@w-legal.com Jul 11 2017 01:36:26 TD BANK USA, N.A.,
 C O WEINSTEIN & RILEY, PS, 2001 WESTERN AVENUE, STE 400, SEATTLE, WA 98121-3132
 TOTAL: 13

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr Duquesne Light Company
 cr Kubota Credit Corporation
 cr* PNC BANK, N.A., P.O. Box 94982, Cleveland, OH 44101-4982
 cr* +PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 14415238* +Kubota Credit Corporation, PO Box 9013, Addison, Texas 75001-9013
 14416887* +Kubota Credit Corporation, PO Box 9013, Addison, Texas 75001-9013

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Total Noticed: 42

Date Rcvd: Jul 10, 2017

***** BYPASSED RECIPIENTS (continued) *****

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jul 12, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on July 10, 2017 at the address(es) listed below:

Daniel P. Foster on behalf of Debtor Jason Andrew Palat dan@mrdebtbuster.com,
clarissa@mrdebtbuster.com; fosterlaw@ecf.inforuptcy.com; anne@ecf.inforuptcy.com
James Warmbrodt on behalf of Creditor Kubota Credit Corporation bkgroup@kmlawgroup.com
Office of the United States Trustee ustpreregion03.pi.ecf@usdoj.gov
Peter J. Ashcroft on behalf of Creditor Duquesne Light Company pashcroft@bernsteinlaw.com,
ckutch@ecf.courtdrive.com; pashcroft@ecf.courtdrive.com; pghecf@bernsteinlaw.com; dschimizzi@bernste
inlaw.com; acarr@bernsteinlaw.com; cabbott@ecf.courtdrive.com
Ronda J. Winnecour cmecf@chapter13trusteedpa.com
S. James Wallace on behalf of Creditor Peoples Natural Gas Company LLC sjw@sjwpgh.com,
srk@sjwpgh.com; PNGbankruptcy@peoples-gas.com

TOTAL: 6